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INTERIM DIRECTOR

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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

August 14, 2008

Project Name: Shellstrom Minor Subdivision (4 condominium units)

Project Number(s): TPM 20850RPL¹; S04-066; Log No. 04-14-025

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for stormwater management, drainage, and noise.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. NOISE

1. Prior to obtaining any building or other permit pursuant to this Site Plan (S04-066), and prior to commencement of construction or use of the property in reliance on this Site Plan, the applicant shall:
 - a. On the plans, please specify that the proposed Carrier HVAC units as "Four Carrier HVAC Units (Model No. 38TUA-036) or equivalent sized units with a single unit sound power level of 72.4 dBA". Refer to Section: 4.1.5 Summary of Site Specific Features, Table 4 for sound level measurements and locations in the Eilar Acoustical Analysis Report dated October 18, 2007.
2. Prior to any occupancy or use of the premises pursuant to this Site Plan (S04-066), the following conditions shall be complied with:
 - a. The Director of the Planning and Land Use (Building Inspector) shall verify that four Carrier HVAC Units (Model No. 38TUA-036) or equivalent sized units with a single unit sound power level of 72.4 dBA have been installed pursuant to the approved building plans and Site Plan S04-066.
 - b. The Director of the Planning and Land Use (Building Inspector) shall verify that a 9-foot high "L" shaped sound barrier beginning at the northwestern edge of the property extending 150-feet to the south, with a return to the east has been installed.
 - c. The Director of the Planning and Land Use (Building Inspector) shall verify that a 12-foot high sound barrier

beginning at the northwestern edge of the property extending 50-feet to the east, along the northern property line has been installed.

- d. The Director of the Planning and Land Use (Building Inspector) shall verify that a 6-foot high sound barrier beginning at the northeastern edge of the property extending to the south, along the eastern property line has been installed.

3. On the Final Parcel Map (TPM20850), the applicant shall:

- a. Grant to the County of San Diego a perpetual Noise Protection Easement over the entire area of Tentative Parcel Map 20850. This easement is for the mitigation of present and anticipated future excess noise levels from Lakeshore Drive and State Highway 67 on residential uses of the affected condominium Parcel.

Said Noise Protection easement requires that before the issuance of any building or grading permit for any residential use within the noise protection easement located on Parcel 1, the applicant shall: [DPLU, FEE X2]

- (1) Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior of the residential dwellings will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)].
- (2) Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:

1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
2. ACCESS [DPW]
 - a. Provide a note on the parcel map that states, "Reciprocal Access Easements for all units shall be included in future title transfers for access to garages. Said easement shall cover all private driveways in the access areas and include all fire lanes to the satisfaction of the Director of Public Works and the Lakeside Fire Protection District."
3. SIGHT DISTANCE [DPW]
 - a. Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that: "Physically, there is adequate sight distance in both directions from project driveway along Lakeshore Drive, based on prevailing traffic speeds on Lakeshore Drive per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved July 14, 1999), or to the satisfaction of the Director of Public Works." If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."

4. PRIVATE ROAD EASEMENTS [DPW] [FIRE]

- a. The Parcel Map shall show a twenty-eight foot (24') wide private road easement, from Lakeshore Drive to a point approximately 95' northerly for that portion within the boundary of the land division. This reduction was supported by the Department of Public Works, pursuant to Section 81.703(k) of the Subdivision Ordinance.

5. ROAD DEDICATIONS [DPW]

- a. Offer to dedicate the right-of-way required to complete a thirty six-foot (36') wide, one-half right-of-way width, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty six-foot (36') limit for that portion within the land division for Lakeshore Drive. The Parcel Map shall be prepared to show the offer being accepted.
- b. Any offer of dedication or grant of right-of-way shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required, per Section 81.705 (a) of the County Code, at the time of recordation of the Parcel Map.

6. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. [DPW]
- b. A commitment to serve each parcel must be purchased from the Lakeside Sanitation District. In addition to the capacity commitment fees, the developer shall pay all of the appropriate fees at the issuance of the Wastewater Discharge Permit.

- c. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

7. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/DEVELOPMENT IMPACT FEES [DPW]

- a. The subdivider shall authorize special districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District to maintain existing street lights.
- b. The subdivider shall provide for maintenance of the on-site private street that serves the project through private road maintenance agreements.

8. FACILITY/UTILITY ARRANGEMENTS [DPW] [DPLU]

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from the following: Pacific Bell, Olivenhain Municipal Water District, Yucca Mutual Water Company, and Rainbow Municipal Water District. [DPW]
- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature. [DPW]

- c. The subdivider shall furnish proof that each parcel has separate sewer lateral connections to the public sewer.
 - d. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- B. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF

PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PUBLIC ROAD IMPROVEMENTS [DPW]

- a. Lakeshore Drive shall be improved in accordance with Public Road Standards for a two lane road to a [one-half] graded width of thirty feet (30') with twenty feet (20') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk with face of curb at twenty feet (20') from centerline to match existing improvements to the west and to the satisfaction of the Director of Public Works.
- b. All new and existing utility distribution facilities, including cable television lines, shall be placed underground. All utility installations shall be completed before surfacing the streets and installing concrete curbs, gutters, and sidewalks.
- c. A construction permit shall be obtained for the work within the right-of-way.
- d. Plans for public road improvements shall be prepared by a registered civil engineer and submitted to the County of San Diego, Director of Public Works. The following items shall also apply:
 - (1) Street alignment and grade, including the change of any existing or proposed street alignment and grade, shall be as required by the County of San Diego, Director of Public Works.
 - (2) Sight distance at all intersections shall conform to the intersectional sight distance criteria as provided by the County of San Diego Public Road Standards.

- (3) Plans and specifications for the improvement of all streets, rights-of-way, drainage easements and all culverts, drainage channels and all private easements shall meet with the approval of the County of San Diego, Director of Public Works.

C. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF

IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS [DPW]

- a. Minimum unobstructed private road width (face to face of curb) shall be 24 feet, from Lakeshore Drive to a point approximately 95' northerly, to the satisfaction of the Lakeside Fire Protection District and the Director of Public Works.
- b. Minimum unobstructed private road width (face to face of curb) shall be 12 feet, from a point approximately 95' northerly from Lakeshore Drive, thence northerly to the satisfaction of the Lakeside Fire Protection District and the Director of Public Works. This reduction was supported by the Department of Public Works, pursuant to the letter of satisfaction from Lakeside Fire Protection District.
- c. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Streets.
- d. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- e. Property owners shall agree to preserve and save harmless the County of San Diego and each officer and employee thereof from any liability or responsibility for any accident, loss or damage to persons or property, happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner. Hold harmless forms are available from the Department of Public Works.
- f. The on-site private access road shall be posted with "NO PARKING" signs to the satisfaction of the Lakeside Fire Protection District. [FIRE]

- g. The on-site private access road shall have an unobstructed vertical clearance of thirteen feet, six inches (13' 6") to the satisfaction of the Lakeside Fire Protection District. [FIRE]

D. OTHER REQUIREMENTS [DPW] [DPLU]

1. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. **To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.**
2. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

3. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under

permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for **Low Impact Development (LID)**, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

NOTICE: Low Impact Development (LID) requirements apply to all priority projects as of March 25, 2008. These requirements are found on page 19 (Section D.1.d. (4) a & b) of the Municipal Storm water Permit:

<http://www.swrcb.ca.gov/rwqcb9/programs/stormwater/sd%20permit/r9-2007-0001/Final%20Order%20R9-2007-0001.pdf>.

The LID Handbook is a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. The handbook gives an overview of LID. Section 2.2 reviews County DPW planning strategies as they relate to requirements from the Municipal Permit. The Fact Sheets in the Appendix may be useful for information on all of the engineered techniques. Additional information can be found in the extensive Literature Index. You can access the Handbook at the following DPLU web address:

http://www.sdcounty.ca.gov/dplu/LID_PR.html.

NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit must be implemented beginning March 25, 2008. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

<http://www.swrcb.ca.gov/rwqcb9/programs/stormwater/sd%20permit/r9-2007-0001/Final%20Order%20R9-2007-0001.pdf>.

All priority projects must minimize directly connected impervious areas and promote biofiltration. D.1.d(4) subsections (a) and (b) are the minimal site design requirements that project applicants must address and implement. These can be summarized into the following four requirements: Disconnect impervious surfaces, Design impervious

surfaces to drain into properly designed pervious areas, Use pervious surfaces wherever appropriate, Implement site design BMPs.

The applicant / engineer must determine the applicability and feasibility of each requirement for the proposed project and include them in the project design, unless it can be adequately demonstrated which (if any) of the requirements do not apply.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Director of Planning and Land Use

on _____

Rich Grunow, Planning Manager
Regulatory Planning Division